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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,452	04/04/2006	Peter Flisikowski	NL 031202	9326

24737	7590	09/24/2007
PHILIPS INTELLECTUAL PROPERTY & STANDARDS		
P.O. BOX 3001		
BRIARCLIFF MANOR, NY 10510		

EXAMINER	
THOMAS, COURTNEY D	

ART UNIT	PAPER NUMBER
2882	

MAIL DATE	DELIVERY MODE
09/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/574,452

Applicant(s)

FLISIKOWSKI ET AL.

Examiner

Courtney Thomas

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 11 are objected to because of the following informalities:
2. Claim 1 as written is awkward. Examiner suggests the claim be re-written for clarity.
3. Claim 11 is ambiguous. It is not clear whether an X-ray source is being claimed or a transmission window.
4. The claims have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the claims.
5. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2 and 10-12 rejected under 35 U.S.C. 102(b) as being anticipated by Bachmann et al. (U.S. Patent Application Publication 2002/0048345).

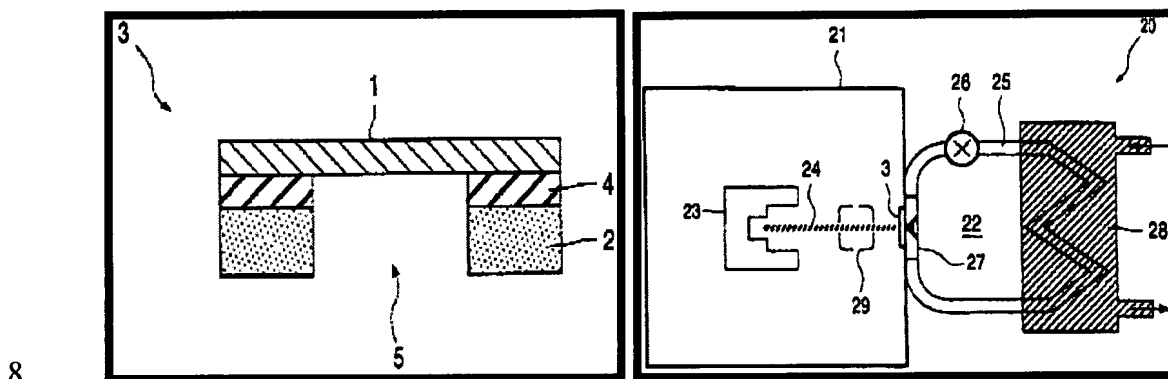


Fig. 1 & 8 - Window & X-ray device – U.S. Patent Application Publication 2002/0048345 to Bachmann et al.

9. As per claims 1, 2 and 10, Bachmann et al. disclose a method of manufacturing a window (3), comprising the steps of: providing on a surface of a carrier element (2) a window foil (1), the surface of the carrier element having a receiving area, receiving a soldering material (4); the soldering material (4) fixing the window foil (1) to the carrier element (2); the carrier element (2) further comprising a through hole (5) for the transmission of electrons; placing the window foil (1) on top of the surface and heating the soldering material (4) to affix the window foil (1) to the surface (see Fig. 1, shown above; see also para. [0013]).

10. As per claims 11-12, Bachmann et al. disclose a window further comprising: an X-ray device (20), having an electron source (23), a target (22) and window (3); the window (3) being located between the electron source (23) and target (22) – (see Fig. 8, shown above; see also para. [0037]).

### *Claim Rejections - 35 USC § 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann et al. (U.S. Patent Application Publication 2002/0048345).

13. **As per claims 3-9**, Bachmann et al. disclose a method of manufacturing a window as recited in claim 1 but do not explicitly disclose a window wherein: the receiving area comprises grooves, having a semi-circular cross section; wherein the receiving area is ablated, so that the carrier element has an inclined surface with a height decreasing from the through hole to an edge; wherein the receiving area comprises a channel and wherein the carrier element further comprises top and bottom carrier elements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method (and window) of Bachmann et al. such that it incorporated the aforementioned limitations. One would have been motivated to make such a modification for the purpose of improving the window's structural rigidity and component adhesion, as suggested by Bachmann et al. (see paras. [0016-0019]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (571) 272-2496. The examiner can normally be reached on M - F (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272 2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2882

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink that reads "Courtney Thomas". The signature is written in a cursive style with a large, stylized 'C' and 'T'.

Courtney Thomas  
Primary Examiner  
Art Unit 2882